

# Motion to Intervene in Nunez v. City of New York

## -how it works-

**2012**

Plaintiffs in Nunez v. City of New York file their class action lawsuit

*Nunez suit alleges that the City is engaging in a pattern and practice of unnecessary and excessive force against Rikers inmates*

**2012- July 2014**

SDNY Civil Division conducts independent investigation into conditions for 16- to 18-year-old inmates at Rikers

*Findings overlap significantly with allegations in Nunez suit*



**August 2014**

SDNY releases report on investigation's findings

**September 2014**

49 day statutory waiting period ends; all legal options become available

*Talks continue with the City*

**December 2014**

SDNY files "Motion to Intervene" in Nunez v. City of New York, seeking Court permission to join this lawsuit as a plaintiff

## Recent SDNY Cases Involving Rikers Island

| CASE                                | CHARGES                                                                                                                                                                      | RESULTS                                                                                                                                                                                                                                                     |
|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>U.S. v. Khalif Phillips</b>      | Conspiracy and drug charges against a Correction Officer who smuggled and dealt marijuana at Rikers                                                                          | Jury verdict: <b>Guilty</b> on all counts; sentenced to 36 months in prison<br><br>Sentenced: Sept. 25, 2014                                                                                                                                                |
| <b>U.S. v. Austin Romain</b>        | Fraud, bribery, and drug charges against a Correction Officer who conspired to smuggle marijuana into Rikers                                                                 | Jury verdict: <b>Guilty</b> on three of four counts<br><br>Verdict Delivered: Dec. 12, 2014                                                                                                                                                                 |
| <b>U.S. v. Terrence Pendergrass</b> | Federal civil rights charge against a Captain for ignoring an inmate's pleas for medical help, which resulted in the inmate's death                                          | Jury verdict: <b>Guilty</b><br><br>Verdict Delivered: Dec. 17, 2014                                                                                                                                                                                         |
| <b>Rikers Report</b>                | Civil investigation into the treatment of male inmates, ages 16-18, at Rikers, focusing on use of force by staff, inmate-on-inmate violence, and use of punitive segregation | SDNY report found that the City engaged in a <b>pattern and practice</b> of violating those inmates' constitutional rights; moved to join a class action lawsuit to ensure lasting change<br><br>Report Issued: Aug. 4, 2014<br>Motion Filed: Dec. 18, 2014 |